

MESSAGE NO: 6135117 MESSAGE DATE: 05/14/1996

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: FIN-Final Determination PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-485-804, A-791-803

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/14/1996 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF FINAL DETERMINATIONS OF ANTIDUMPING DUTY INVESTIGATIONS
OF CIRCULAR WELDED NON-ALLOY STEEL PIPE FROM ROMANIA (A-485-804) SOUTH
AFRICA (A-791-803)

MESSAGE NO: 6135117

DATE: 05 14 1996

CATEGORY: ADA

TYPE: FIN

REFERENCE:

REFERENCE DATE:

CASES: A - 485 - 804

A - 791 - 803

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PERIOD COVERED: 05 14 1996 TO

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, TECHNICAL PROGRAMS

RE: NOTICE OF FINAL DETERMINATIONS OF ANTIDUMPING DUTY
INVESTIGATIONS OF CIRCULAR WELDED NON-ALLOY STEEL
PIPE FROM ROMANIA (A-485-804) SOUTH AFRICA (A-791-803)

1. ON MAY 14, 1996, THE DEPARTMENT OF COMMERCE WILL PUBLISH IN
THE FEDERAL REGISTER ITS FINAL DETERMINATIONS OF SALES AT LESS
THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATIONS OF
CIRCULAR WELDED NON-ALLOY STEEL PIPE FROM ROMANIA (A-485-804) AND
SOUTH AFRICA (A-791-803).

2. FOR PURPOSES OF THESE INVESTIGATIONS, CIRCULAR WELDED
NON-ALLOY STEEL PIPES (STANDARD PIPES) ARE ALL PIPES AND TUBES,

OF CIRCULAR CROSS-SECTION, NOT MORE THAN 406.4 MM (16 INCHES) IN OUTSIDE DIAMETER, REGARDLESS OF WALL THICKNESS, SURFACE FINISH (BLACK, GALVANIZED, OR PAINTED), END FINISH (PLAIN END, BEVELLED END, THREADED, OR THREADED AND COUPLED), OR INDUSTRY SPECIFICATION (ASTM, PROPRIETARY, OR OTHER) USED IN STANDARD OR STRUCTURAL PIPE APPLICATIONS.

THE SCOPE SPECIFICALLY INCLUDES, BUT IS NOT LIMITED TO, ALL PIPE PRODUCED TO THE ASTM A-53, ASTM A-120, ASTM A-135, ASTM A-795, AND BS-1387 SPECIFICATIONS REGARDLESS OF USE. IT ALSO INCLUDES ANY PIPE MULTIPLE-STENCILLED OR MULTIPLE-CERTIFIED TO ONE OF THE ABOVE-LISTED STANDARD OR STRUCTURAL PIPE SPECIFICATIONS AND TO ANY OTHER SPECIFICATION, IF USED IN A STANDARD OR STRUCTURAL PIPE APPLICATION. PIPE WHICH MEETS THE ABOVE PHYSICAL PARAMETERS AND WHICH IS PRODUCED TO PROPRIETARY SPECIFICATIONS, THE API-5L, THE API-5L X-42, OR TO ANY OTHER NON-LISTED SPECIFICATION IS INCLUDED WITHIN THE SCOPE OF THESE INVESTIGATIONS IF USED IN A STANDARD OR STRUCTURAL PIPE APPLICATION, REGARDLESS OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS) CATEGORY INTO WHICH IT WAS CLASSIFIED. IF THE PIPE DOES NOT MEET ANY OF THE ABOVE IDENTIFIED ASTM OR BS SPECIFICATIONS, (I.E., ASTM A-53, ASTM A-120, ASTM A-135, ASTM A-795, AND BS-1387) OR IS MULTIPLE-STENCILLED OR MULTIPLE-CERTIFIED TO ONE OF THESE SPECIFICATIONS AND TO ANY OTHER SPECIFICATIONS, ALTHOUGH IT IS WITHIN THE IDENTIFIED PHYSICAL PARAMETERS DESCRIBED IN THE SECOND PARAGRAPH OF THIS SECTION, OUR PRESUMPTION IS THAT IT IS NOT USED IN A STANDARD PIPE APPLICATION.

STANDARD PIPE USES INCLUDE THE LOW-PRESSURE CONVEYANCE OF WATER,

STEAM, NATURAL GAS, AIR, AND OTHER LIQUIDS AND GASES IN PLUMBING AND HEATING SYSTEMS, AIR CONDITIONING UNITS, AUTOMATIC SPRINKLER SYSTEMS, AND OTHER RELATED USES. STANDARD PIPE MAY CARRY LIQUIDS AT ELEVATED TEMPERATURES BUT MAY NOT BE SUBJECT TO THE APPLICATION OF EXTERNAL HEAT. STANDARD PIPE USES ALSO INCLUDE LOAD-BEARING APPLICATIONS IN CONSTRUCTION AND RESIDENTIAL AND INDUSTRIAL FENCE SYSTEMS. STANDARD PIPE USES ALSO INCLUDE SHELLS FOR THE PRODUCTION OF FINISHED CONDUIT AND PIPE USED FOR

THE PRODUCTION OF SCAFFOLDING.

SPECIFICALLY EXCLUDED FROM THESE INVESTIGATIONS ARE MECHANICAL TUBING, TUBE AND PIPE HOLLOWS FOR REDRAWING, AND FINISHED ELECTRICAL CONDUIT IF SUCH PRODUCTS ARE NOT CERTIFIED TO ASTM A-53, ASTM A-120, ASTM A-135, ASTM A-795, AND BS-1387 SPECIFICATIONS AND ARE NOT USED IN STANDARD PIPE APPLICATIONS. ADDITIONALLY, PIPE MEETING THE SPECIFICATIONS FOR OIL COUNTRY TUBULAR GOODS IS NOT COVERED BY THE SCOPE OF THESE INVESTIGATIONS, UNLESS ALSO CERTIFIED TO A LISTED STANDARD PIPE SPECIFICATION OR USED IN A STANDARD PIPE APPLICATION.

THE MERCHANDISE UNDER INVESTIGATION IS CURRENTLY CLASSIFIABLE UNDER ITEMS 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, AND 7306.30.50.90 OF THE HTSUS. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THESE INVESTIGATIONS IS DISPOSITIVE.

REGARDING IMPLEMENTATION OF THE USE PROVISION OF THE SCOPE OF THESE INVESTIGATIONS, AND ANY ORDER WHICH MAY BE ISSUED IN THESE INVESTIGATIONS, WE ARE WELL AWARE OF THE DIFFICULTY AND BURDEN ASSOCIATED WITH SUCH CERTIFICATIONS. THEREFORE, IN ORDER TO MAINTAIN THE EFFECTIVENESS OF ANY ORDER THAT MAY BE ISSUED IN LIGHT OF ACTUAL SUBSTITUTION IN THE FUTURE (WHICH THE USE CRITERION IS MEANT TO ACHIEVE), YET ADMINISTER CERTIFICATION PROCEDURES IN THE LEAST PROBLEMATIC MANNER, WE HAVE DEVELOPED AN APPROACH WHICH SIMPLIFIES THESE PROCEDURES TO THE GREATEST EXTENT POSSIBLE.

FIRST, WE WILL NOT REQUIRE USE CERTIFICATION UNTIL SUCH TIME AS PETITIONER OR OTHER INTERESTED PARTIES PROVIDE THE DEPARTMENT WITH A REASONABLE BASIS TO BELIEVE OR SUSPECT THAT SUBSTITUTION IS OCCURRING. SECOND, WE WILL REQUIRE USE CERTIFICATION ONLY FOR THE PRODUCT(S) (OR SPECIFICATION(S)) FOR WHICH EVIDENCE IS

PROVIDED THAT SUBSTITUTION IS OCCURRING. FOR EXAMPLE, IF, BASED ON EVIDENCE PROVIDED BY PETITIONER, THE DEPARTMENT FINDS A REASONABLE BASIS TO BELIEVE OR SUSPECT THAT PIPE PRODUCED TO THE API-5L SPECIFICATION IS BEING USED AS STANDARD PIPE, WE WILL REQUIRE USE CERTIFICATIONS FOR IMPORTS OF API-5L SPECIFICATION PIPE. THIRD, NORMALLY WE WILL REQUIRE ONLY THE IMPORTER OF RECORD TO CERTIFY TO THE USE OF THE IMPORTED MERCHANDISE. IF IT LATER PROVES NECESSARY FOR ADEQUATE IMPLEMENTATION, WE MAY ALSO REQUIRE PRODUCERS WHO EXPORT SUCH PRODUCTS TO THE UNITED STATES TO PROVIDE SUCH CERTIFICATION ON INVOICES ACCOMPANYING SHIPMENTS TO THE UNITED STATES.

3. FOR FURTHER REPORTING PURPOSES THESE CASES HAVE BEEN ASSIGNED INVESTIGATION NUMBERS A-485-804 (ROMANIA) AND A-791-803 (SOUTH AFRICA).

4. FOR IMPORTS OF CIRCULAR WELDED NON-ALLOY STEEL PIPE FROM ROMANIA AND SOUTH AFRICA, THE CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATION OF SUCH SHIPMENTS THAT ARE ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER NOVEMBER

30, 1995. EFFECTIVE MAY 14, 1996 CUSTOMS SHALL REQUIRE FOR ENTRY SUMMARIES A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE SHOWN BELOW:

MFR/PRODUCER EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
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ROMANIA

METAGRIMEX, S.A.	A-485-804-001	85.12%
METAEXPORTIMPORT, S.A.	A-485-804-002	77.61%
ROMANIA-WIDE RATE	A-485-804-000	85.12%

SOUTH AFRICA

ALL EXPORTERS A-791-803-000 117.66%

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, TECHNICAL PROGRAMS, ANTIDUMPING/COUNTERVAILING DUTY, USING ATTRIBUTE "HQ OAB". THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT JENNIFER STAGNER (SOUTH AFRICA) OR JOHN BECK (ROMANIA), OFFICE OF ANTIDUMPING DUTY INVESTIGATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-1673 OR (202) 482-3464, RESPECTIVELY.

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party